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**FILING A COMPLAINT AGAINST A LICENSED CONSTRUCTION SUPERVISOR
-AN OVERVIEW OF THE COMPLAINT PROCESS-**

Introduction:

In accordance with section MGL c 143 § 94(I) & section 108.3.5 of the Massachusetts State Building Code (780 CMR), the Board of Building Regulations and Standards (BBRS) issues licenses to individuals responsible for the supervision of construction, remodeling and renovation of one and two family dwellings and buildings of less than 35,000 cubic feet of enclosed space. The State Building Code provides exemptions from the licensing requirement for the following construction activities;

Roofing, siding; the erection of rooftop solar collectors; the construction of swimming pools; the erection of signs and; the installation of replacement windows not involving structural modifications and all buildings (except 1 or 2 family dwellings) over 35,000 cf of enclosed space. (Refer to 780 CMR 108.3.5.2 for complete list of exemptions)

A construction supervisor's license is issued after successful completion of an examination related to the Massachusetts State Building Code and demonstration of necessary construction experience as required by 780 CMR R-5, "*Construction Supervisors*".

The BBRS has established a License Review Committee (the Committee) which has jurisdiction over disciplinary matters relative to Licensed Construction Supervisors. Disciplinary action can only occur after receipt of a written complaint and only after a hearing in which all interested parties are afforded the opportunity to address the Committee.

The License Review Committee is not authorized to adjudicate contractual disputes and must limit its hearings to alleged violations of the Massachusetts State Building Code. The License Review Committee comprises three members of the BBRS as appointed by the chairman.

What happens when a complaint is filed?

If building code violations are alleged in the complaint, the BBRS will forward the complaint to a District State Building Inspector of the Department of Public Safety for investigation. Following the investigation, the District State Building Inspector will recommend to the BBRS whether, or not, a disciplinary hearing should be held. If the District State Building Inspector recommends that a hearing should not be held, the case is dismissed. If the District State Building Inspector finds that there is probable cause to hold a hearing, the Construction Supervisor License Review Committee will schedule a hearing to determine whether disciplinary action should be taken against the license holder. Disciplinary action may be in the form of a reprimand, license revocation, license suspension and/or an order to take or retake the Construction Supervisor Examination. Hearings are held in accordance with MGL c 30A § 13 and 801 CMR 1.02.

If building code violations are not part of the complaint, the complaint will be dismissed for lack of jurisdiction.

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What filing a written complaint will not achieve.

The License Review Committee cannot award damages or order repairs to property. The jurisdiction of the Committee is to determine whether disciplinary action should be taken against a license holder and if so, to determine the extent of the disciplinary action.

